

General Assembly and part-time members of boards or commissions from its provisions.

Current law quite appropriately prohibits a former official or employee from assisting or representing a party on a specific matter involving the State if that matter was one in which the person "significantly participated" in their official capacities. Where such assistance or representation creates a conflict of interest or even the appearance of a conflict, it should be banned. However, by providing a blanket prohibition to any post-State employment which involves a matter that was within a person's "responsibilities," the bill extends the law's existing restrictions too far.

I am concerned that House Bill 254 seeks to extend Maryland's law beyond that which is suggested in the model act of the Council on Governmental Ethics Laws. Unlike House Bill 254, the model act applies its prohibitions only to "representation," not "assistance," and to matters "pending," not merely those "existing." Moreover, the model act specifically exempts from its restrictions representation on behalf of another governmental entity, whereas House Bill 254 would ban any assistance or representation for any party other than the State. This would mean that a former State official or employee could not work for a local government on any matter involving State government for one year if the matter was merely "existing" within the former employee's responsibilities when they worked for the State. Since there is substantial contact between the State and local governments, House Bill 254 might as a practical matter effectively act to prohibit many former State officials and employees from working for any local government. I do not believe that such a sweeping ban is justified.

Accordingly, since I believe that the provisions of the bill unduly restrict the employment options of State employees who have had no actual involvement in a given matter, I have today vetoed House Bill 254.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 254

AN ACT concerning

Public Ethics – Employment Restrictions – Former State Officials or Employees

FOR the purpose of prohibiting former ~~State~~ officials or employees from assisting or representing parties other than the State for compensation in certain matters involving State government for a certain period of time after leaving State service; providing certain exceptions; specifying that the prohibition does not apply to members of the General Assembly or part-time members of a board or commission; and generally relating to employment restrictions on former State officials or employees.

BY repealing and reenacting, with amendments,
Article 40A – Maryland Public Ethics Law
Section 3-103